


Councilmember Brianne Nadeau


Councilmember Janeese Lewis George


Councilmember Zachary Parker

AN AMENDMENT #1

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Date: May 30, 2023

Offered by: Councilmembers Lewis George, Parker, and Nadeau

To: B25-293, the “Rent Stabilized Housing Inflation Protection Emergency
Amendment Act of 2023”

Version: Introduced Version

Amendment:

Page 1, section 2 is amended as follows:

- (a) The lead-in language is amended by striking the phrase “(h)” both times it appears. (line 17)
- (b) The lead-in language of subsection (a) is amended by striking the phrase “Paragraph (2)(A)” and inserting the phrase “Subsection (h)(2)(A)” in its place. (line 19)
- (c) Amendatory sub-subparagraph (ii) in subsection (a)(2) is amended by striking the number “6.9%” and inserting the number “6%” in its place. (line 28)
- (d) A new subsection (b) to read as follows (line 29):
 - “(b) A new subsection (i) is added to read as follows:

“(i) Notwithstanding subsection (h)(2) of this section, the total amount of adjustments from May 1, 2023 to April 30, 2025 shall not exceed the current allowable amount of rent charged for the unit plus:

“(1) 8%, if the unit is occupied by an elderly tenant or tenant with a disability, or if the unit is leased or co-leased by a home and community-based services waiver provider; or

“(2) 10%, if the unit is occupied by any other tenant.”.

Rationale:

This amendment lowers the maximum rent increase for the remainder of 2023 to 6% and creates a 2-year cumulative cap on allowable rent increases from May 1, 2023-April 30, 2025; for elderly or disabled tenants and tenants with community-based service waivers, their rent could increase no more than a total of 8% during this time, and for all other rent-controlled tenants, rent would increase no more than 10% above the rent they paid, in practical terms, as of April 30, 2023.

Earlier in the year, the Rental Housing Administration approved an 8.9% 2023 rent increase for rent-controlled buildings; that increase was allowed to take effect on May 1st for any unit that was eligible for an annual increase as of May. This is the highest rent increase approved in the history of the rent stabilization program and far exceeds what most tenants, especially lower-income tenants, can afford. While the cost of living continues to rise in the District and the region amidst record inflations, DC-area wage have remained below inflation rates, [only increasing an average of 4.2% since the beginning of 2022](#). While we cannot retroactively reverse rent increases that have already taken effect this year, allowing additional extreme rent increases (up to 8.9%) to go into effect for vulnerable tenants could exacerbate displacement. A 6% rent adjustment is more in line with the economic realities of what tenants can afford. For those who already received notice of an 8.9% adjustment this year, we are stabilizing their housing costs for next year by capping their two-year increase at no more than 10%; knowing now that a tenant’s rent will not see a second consecutive major increase due to the cumulative cap proposed by this amendment can help tenants feel confident in renewing or extending their rental agreements so they can continue to call DC home. The cumulative two-year is intended to help level the playing field for tenants who already received a record-high rent increase so they won’t face another disproportionate burden next year.

A two-year 8% cap for elderly and disabled residents, and residents served by community-based providers, is 2% lower than their maximum current allowable adjustment (5% annually) which will help these tenants, who are largely on fixed incomes, navigate spending pressures amidst inflation. Though this amendment further stabilizes rents for thousands of residents living in rent-controlled buildings, the 2022-2025 increases will still be the highest allowable adjustments rent-controlled tenants have seen in more than a decade in order to balance landlord financing needs.

REDLINE VERSION OF AMENDMENT:

BE IT ENACTED BY THE COUNCIL DISTRICT OF COLUMBIA, That this act may be cited as the “Rent Stabilized Housing Inflation Protection Emergency Amendment Act of 2023”.

Sec. 2. Section 208~~(h)~~ of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.08~~(h)~~) is amended as follows:

(a) **Subsection (h)(2)(A)**~~Paragraph (2)(A)~~ is amended follows:

(1) The existing text is designated as sub-subparagraph (i).

(2) A new sub-subparagraph (ii) is added to read as follows:

“(ii) Notwithstanding the provisions of sub-subparagraph (i) of this subparagraph, adjustments that take effect beginning on the effective date of the Rent Stabilized Housing Inflation Protection Emergency Amendment Act of 2023, introduced May 24, 2023 (Bill 25-XXX), or during the 2 year-period after, shall not exceed the current allowable amount of rent charged for the unit, plus the adjustment of general applicability plus 2%, taken as a percentage of the current allowable amount of rent charged; provided, the total adjustment shall not exceed 6-9%.”.

(b) A new subsection (i) is added to read as follows:

“(i) Notwithstanding subsection (h)(2) of this section, the total amount of adjustments from May 1, 2023 to May 1, 2025 shall not exceed the current allowable amount of rent charged for the unit plus:

“(1) 8%, if the unit is occupied by an elderly tenant or tenant with a disability, or if the unit is leased or co-leased by a home and community-based services waiver provider; or

“(2) 10%, if the unit is occupied by any other tenant.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).